

**MINUTES OF THE
GREENSBORO BOARD OF ADJUSTMENT
REGULAR MEETING
MAY 22, 2006**

The regular meeting of the Greensboro Board of Adjustment was held on May 22, 2006 in the City Council Chamber of the Melvin Municipal Office Building, Greensboro, North Carolina commencing at 2:06 p.m. The following members were present: Hugh Holston, Chair, Ann Buffington, John Cross, Jim Kee, Rick Pinto, Russ Parmele, Scott Brewington, and alternate member Michael Schifftan. Bill Ruska, Zoning Administrator and Blair Carr, Esq., from the City Attorney's Office were also present.

Chair Holston called the meeting to order and explained the policies and procedures of the Board of Adjustment. He further explained the manner in which the Board conducts its hearings and the method for appealing any ruling made by the Board. Chair Holston also advised that each side, regardless of the number of speakers, would be allowed a total of 20 minutes to present evidence.

Chair Holston welcomed Scott Brewington to the Board.

APPROVAL OF MINUTES OF LAST MEETING

Mr. Parmele moved to approve the minutes of the April 24, 2006, as submitted, seconded by Mr. Pinto. The Board voted unanimously in favor of the motion.

Mr. Ruska was sworn in for evidence to be given by him on all the requests before the Board today.

Mr. Ruska announced that Mr. Shiftan serves as the alternate Board member and would only participate in items today, when other members had to be recused.

Chair Holston asked if there were any changes in the agenda.

Marc Isaacson came forward and stated that he wished to continue Item 2A, 310 W. Meadowview Road to allow more time to gain a contract for off-site parking for this development.

Mr. Pinto moved to continue BOA-06-06, 310 W. Meadowview Road for 30 days, seconded by Mr. Kee. The Board voted unanimously in favor of the motion.

Marc Isaacson stated that he also wished to ask for a continuance for Item 3E, 199 Country Club Drive, BOA-06-30. Some of the neighbors wish to view the plans of the home to be built and he hopes to meet with the neighbors within the next 30 days. Mr. Cross stated he would recuse himself from this matter.

Mr. Parmele moved to continue the matter related to BOA-06-30, 199 Country Club Drive for 30 days, seconded by Ms. Buffington. The Board voted 6-0-1 in favor of the motion, with Mr. Cross being recused.

OLD BUSINESS

APPEAL OF CIVIL PENALTIES

(A) BOA-06-25: 4001 U.S. 220 NORTH DAVE'S CONSTRUCTION SERVICE, INC. APPEALS THE DECISION MADE BY THE ADVISORY COMMISSION ON TREES AT THEIR MARCH 8, 2006 MEETING REGARDING UPHOLDING A PORTION OF THE CIVIL PENALTIES THAT HAVE BEEN ASSESSED FOR REMOVAL OF TREES LOCATED AT 4001 U.S. 220 NORTH. THIS CASE WAS PREVIOUSLY HEARD AT THE

OCTOBER 12, 2005 MEETING BY THE GREENSBORO ADVISORY COMMISSION ON TREES, THEN BY THE BOARD OF ADJUSTMENT AT THE JANUARY 23, 2006 MEETING AND REMANDED BACK TO THE GREENSBORO ADVISORY COMMISSION ON TREES. THIS CASE WAS CONTINUED FROM THE MARCH 27, 2006 MEETING. SECTIONS 30-5-4.10 & 30-5-4.11, PRESENT ZONING-CD-HB AND HB, BS-228, CROSS STREET- HORSE PEN CREEK ROAD. (APPEAL DENIED)

Mr. Ruska stated that Dave's Construction Service, Inc. appealed a decision by the Advisory Commission on Trees from their October 12, 2005 meeting upholding civil penalties which had been assessed for removal of trees on property located at 4001 U. S. 220 North. This case was continued from the April 24, 2006 meeting. On June 21, 2005, Melissa Begley, the City's Urban Forester, issued the applicant a civil penalty for \$18,400.00 and instructed them to replace 23 trees. An alternate measure was a civil penalty in the amount of \$36,400.00 and no replanting of trees. On October 12, 2005, the Advisory Commission on Trees reduced the civil penalty to \$9,600.00. In addition to the fee, the applicant was also instructed to re-plant twelve - **four inch caliper trees**. On November 23, 2005, the applicant through his attorney appealed the decision of the Advisory Commission on Trees. On January 23, 2006, the Board of Adjustment heard and remanded the case back to the Advisory Commission on Trees for reconsideration of the civil penalty. On March 8, 2006, the Advisory Commission on Trees re-heard the case and basically assessed the same penalties as was previously stated. The difference appears to be the replanting of twelve - **two inch caliper trees**, rather than 4 inch caliper trees. A verbatim transcript has been furnished to each of you, which contains the proceedings of the Advisory Commission on Trees relative to this matter for use in your certiorari review of Dave's Construction Service, Inc. appeal of the Advisory Commission on Trees decision. The property is zoned CD-HB & HB. The property has frontage on U.S. Highway 220 North and Horse Pen Creek Road. Attached are copies of photos that show the trees before they were removed and how the property looks after the landscaping was completed.

Chair Holston asked if there was anyone present wishing to speak on this matter.

Ken Keller, attorney representing the applicant, was sworn in and stated that Dave's Construction is the contractor for the project and is not the owner. They are appealing from the most recent determination of the Advisory Commission on Trees in which they assessed a one hundred-percent penalty. They are asking that this Board reverse that decision and re-instate the initial determination made by the City Forester in conjunction with the Director. He disagrees with the timeline of events as recited earlier as he has never heard of any monetary non-replanting option.

Counsel Carr interjected that the Board is only allowed to hear evidence that are part of the record of the ACT's last meeting when their last decision was made and is not allowed to go back to other decisions made and previous meetings.

Mr. Keller stated that a letter dated June 21, 2005 by Ms. Begley was the notice of the assessment of penalties and in that letter, she listed some thirteen (13) trees that were taken down, six (6) of which are under discussion now and the maximum penalty was eighteen thousand four hundred (\$18,400.00) dollars. The penalty assessed was six thousand seventy-two (\$6,072.00) dollars with replanting of two (2") inch caliper trees. That was a formula based on the number of trees taken down. They previously appealed the assessment of one hundred percent penalty as the City Forester had articulated to the ACT factors that were considered by the City in coming up with the penalty as assessed. The ACT made no reference to those factors and it was remanded to them to consider factors in how they made their decision and how they came up with their dollar figure. They are appealing that assessment as arbitrary and capricious and not supported by the evidence. Ms. Begley stated that they had looked at penalties that had been assessed in the past to make a determination on this particular matter.

Chair Holston asked if there was anyone present wishing to speak in opposition to this matter.

Melissa Begley, City Urban Forester, was sworn in and stated that she wished to clarify that this was intended to determine whether or not the ACT found adequate findings of fact and not a re-hearing. She pointed out that the Commissioners did understand that they assess each case based on its own merits and acknowledged that. They determined something different than what staff determined and she cited information in the verbatim transcript on page 33, relevant to what was said by Commissioner Sandin. She pointed out that the original assessment given to Dave's Construction was a civil penalty of \$6,072 and required the replacement of twenty-three 2-inch caliper trees.

Mr. Cross stated that he feels that the ACT did the job they were asked to do by the BOA. He also feels that they stated their findings and made a determination and explained how they came to their final decision.

Mr. Pinto moved that in BOA-0625, 4001 U.S. 220 North, to incorporate the facts as stated by staff and moved that the appeal of Civil Penalties be denied and the ruling of the ACT remain in place, seconded by Mr. Cross. The Board voted 7-0 in favor of the motion. (Ayes: Holston, Brewington, Buffington, Cross, Kee, Pinto, Parmele. (Nays: None.)

VARIANCE

- (A) **BOA-06-06: 310 WEST MEADOWVIEW ROAD HERITAGE HOUSE 310, LLC REQUESTS VARIANCES FROM THE PARKING REQUIREMENT THAT PARKING SPACES FOR A BAR MAY NOT BE LOCATED OFF-SITE AND FROM THE REQUIREMENT THAT REQUIRED PARKING FOR A BAR MAY NOT BE LOCATED ACROSS AN INTERVENING MINOR THOROUGHFARE. THIS CASE WAS CONTINUED FROM THE JANUARY 23, FEBRUARY 27, AND APRIL 24, 2006 MEETINGS. VIOLATION #1: THE APPLICANT IS REQUESTING TO LOCATE REQUIRED PARKING SPACES FOR A PROPOSED BAR OFF-SITE FROM THE ZONED LOT. TABLE 30-5-3-1. VIOLATION #2: THE APPLICANT IS REQUESTING TO LOCATE REQUIRED PARKING ACROSS WEST MEADOWVIEW ROAD, A MINOR THOROUGHFARE. SECTION 30-5-3.5(A). PRESENT ZONING-CD-PDI, BS-40, CROSS STREET-VILLAGE GREEN DRIVE. (CONTINUED)**
- (B) **BOA-06-22: 2806 EAST WENDOVER AVENUE WAYNE PATRICK REQUESTS VARIANCES FROM THE MINIMUM INTERIOR PROPERTY LINE SETBACKS. VIOLATION: A PROPOSED MULTIFAMILY BUILDING WILL ENCROACH 2 FEET INTO A 20-FOOT INTERIOR SETBACK ON BOTH THE EASTERN AND WESTERN INTERIOR PROPERTY LINES. THIS CASE WAS CONTINUED FROM THE APRIL 24, 2006 MEETING. TABLE 30-4-6-4, PRESENT ZONING-RM-18, BS-32, CROSS STREET-HOLT AVENUE. (GRANTED)**

Mr. Ruska stated that Wayne Patrick is the owner of a parcel located at 2806 East Wendover Avenue. This case was continued from the April 24, 2006 meeting. The lot is located on the southern side of East Wendover Avenue east of Holt Avenue on zoning map block sheet 32 and is zoned RM-18. The applicant is requesting variances from the minimum interior property line setbacks. A proposed multifamily building will encroach 2 feet into a 20-foot interior setback on both the eastern and western interior lot lines. The applicant is proposing to construct one building which will contain four dwelling units. The applicant has submitted a site drawing. The western portion of the property decreases in width by approximately 12.88 feet. By meeting the required 100- foot centerline setback from East Wendover Avenue, the building is proposed to be constructed within the area of the lot that decreased in width. This is the portion of the building that will encroach on each side. The adjacent properties are also zoned RM-18.

Chair Holston asked if there was anyone present wishing to speak on this matter.

Wayne Patrick, the applicant, was sworn in and stated that he had a handout to give more information to the Board members. He explained the situation on his property and referred to the handout, answering questions from the Board members. He explained that if he is unable to obtain the variance the bedrooms of the units will be so small they will not be functional and adequate for the community. He feels this is the best use of the property at this time.

Chair Holston asked if there was anyone present wishing to speak in opposition to this matter and no one came forward.

Ms. Buffington moved that the findings of fact as stated by staff in regard to BOA-06-22, 2806 East Wendover Avenue, be incorporated into the record and the Enforcement Officer be overruled and the request for a variance be granted based on the following: If the applicant complies with the provisions of the ordinance he can make no reasonable use of the property. Although that has not been proven, it has been expressly implied. The hardship of which the applicant complains results from the unique circumstances related to the applicant's property and this is a uniquely shaped property. The hardship results from the application of the ordinance to the property because there is a 100 foot clearance from Wendover Avenue and the adjoining property poses additional problems. The hardship is not the result of the applicant's own actions because he did not plot the property this way and is only trying to make the best reasonable use of the property. The variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit because the ordinance does not want wasted land and wants to have a good use that goes along with other development in the area. The granting of the variance assures public safety and welfare and does substantial justice because she thinks this will add to what is progressing and developing in that area of town, seconded by Mr. Kee. The commission voted 7-0 in favor of the motion. (Ayes: Holston, Brewington, Buffington, Cross, Kee, Pinto, Parmele. Nays: None.)

At this time a 5 minute break was taken from 3:30 until 3:35 p.m.

NEW BUSINESS

VARIANCE

(A) BOA-06-26: 109 BEVERLY PLACE GEORGE MORGAN REQUESTS A VARIANCE FROM THE MINIMUM SIDE SETBACK REQUIREMENT. VIOLATION: A PROPOSED ATTACHED ADDITION TO A SINGLE FAMILY DWELLING WILL ENCROACH 3.5 FEET INTO A 10-FOOT SIDE SETBACK. TABLE 30-4-6-1, PRESENT ZONING-RS-12, BS-47, CROSS STREET-STARMOUNT DRIVE. (GRANTED)

Mr. Ruska stated that George Morgan is the owner of a parcel located at 109 Beverly Place. The lot is located on the western side of Beverly Place south of Madison Avenue on zoning map block sheet 47 and is zoned RS-12. The applicant is proposing an attached addition that will encroach 3.5 feet into a 10-foot side setback requirement. The lot contains a two-story single-family dwelling and a detached garage. The existing dwelling is built closer to the northern lot line. The applicant wants to attach the proposed addition to the northern side of the property. The addition will consist of enlarging bathrooms, kitchen and laundry area. The property is rectangular in shape with an angled rear lot line and contains approximately 21,230 square feet. The applicant has shown the existing layout of the property which includes the house, a detached garage, walkways, driveway, and a deck with a garage below it. The adjacent properties are also zoned RS-12.

Chair Holston asked if there was anyone present wishing to speak on this matter.

George Morgan, the applicant, was sworn in and presented some handouts representing the neighborhood and the proposed addition. He stated that he wishes to improve the home that was built in 1939 and many of the other homes in the neighborhood have been remodeled and added

on to. The proposed addition would make the house more livable for his family and anyone that should purchase the home in the future. The addition would allow more space in the two bathrooms, kitchen and add a laundry room. There is no other way to do the addition except on the north side of the existing house because of the plumbing and a slope to the lot. He pointed out that the hardship is that there is nowhere else to expand the home and update and the request is in harmony with the purpose and intent of the ordinance.

Chair Holston asked if there was anyone present wishing to speak in opposition to this matter and no one came forward.

Mr. Kee moved that the findings of fact as stated by staff in regard to BOA-06-26, 109 Beverly Place, be incorporated into the record and the Enforcement Officer be overruled and the request for a variance be granted based on the following: There are practical difficulties or unnecessary hardships that result from the carrying out of the strict letter of the ordinance. If the applicant complies with the provisions of the ordinance he can make no reasonable use of the property because this is a property that was built in 1939 and it cannot be updated without the variance. The hardship of which the applicant complains results from the unique circumstances related to the applicant's property because the lot is smaller in the front and expands in the rear so it diminishes the building area. The hardship results from the application of the ordinance to the property because the property is an older property. The hardship is not the result of the applicant's own actions because the house was built prior to the applicant purchasing the property. The variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit because in the photos the applicant submitted, some of the homes appear to be closer to the property line than the subject property. The granting of the variance assures the public safety and welfare and does substantial justice because there are no public safety issues noted and there has been no opposition from the neighbors, seconded by Ms. Buffington. The commission voted 6-1 in favor of the motion. (Ayes: Holston, Brewington, Buffington, Kee, Pinto, Parmele. Nays: Cross.)

(B) BOA-06-27: 3410 SPRING GARDEN STREET THO HO REQUESTS VARIANCES FOR A PROPOSED DUMPSTER WHICH WILL ENCROACH INTO A CENTERLINE STREET AND PROPERTY LINE SETBACK. VIOLATION #1: A PROPOSED DUMPSTER WILL ENCROACH 30 FEET INTO A 55-FOOT CENTERLINE SETBACK FROM GAY TERRACE. TABLE 30-4-6-5. VIOLATION #2: THE SAME DUMPSTER WILL ENCROACH 6 FEET INTO AN INTERIOR SETBACK INSTEAD OF 10 FEET AS REQUIRED. TABLE 30-4-6-5. PRESENT ZONING-CD-HB, BS-76, CROSS STREET-COAPMAN STREET. (DENIED)

Mr. Ruska stated that Tho Ho is the owner of the property located at 3410 Spring Garden Street. The property is located at the northwestern intersection of Spring Garden Street and Gay Terrace on zoning map block sheet 76. The applicant is requesting variances for a proposed dumpster which will encroach into a centerline street and property line setback. The dumpster will encroach 30 feet into a 55-foot centerline setback from Gay Terrace and will encroach 6 feet into a 10-foot interior setback. The lot is zoned CD-HB. There is an existing retail building on the property. The applicant is proposing to add 3,120 square of retail space and to relocate the dumpster. The lot is a corner lot. Gay Terrace has a substandard street dedication. The street dedication is only 25 feet. A typical local collector street should have a minimum of 50 feet dedication. The dumpster will be 13 feet from the property line or 29.5 feet from the centerline of Gay Terrace. The minimum setback is 25 feet from the property line or 55 feet from the centerline, whichever is greater. The centerline setback is the greater of the minimum requirements. The dumpster will also encroach 5 feet into a 10 foot setback requirement along a portion of the northern property line. The adjacent property located to the west is zoned CD-HB, the adjacent property located to the north is zoned GO-M, and the adjacent property located to the east is zoned LI.

Mr. Parmele stated that he had a conflict with this case and was recused by unanimous vote. Mr. Schiffan was involved in this matter as an alternate Board member

Chair Holston asked if there was anyone present wishing to speak on this matter.

Rob Fields, 517 Union Point Lane, Lexington, NC, representing the applicant, was sworn in and stated that his company is the general contractor on this job and they are asking that the dumpster pad be relocated because if they comply with the ordinance, it would place the dumpster right at the entrance to one of the tenant's spaces. In speaking with the DOT it was learned that there would not be enough room to get a large dump truck into the area without having to back out into traffic causing a safety hazard. He answered questions posed by the Board members. If the dumpster pad were moved forward there would be a loss of parking spaces and there is a requirement for a specific number of parking spaces for the use of this property. They have done cost studies for the owner of the property and this is the most cost effective way to utilize the space available.

Chair Holston asked if there was anyone present wishing to speak in opposition to this matter and no one came forward.

During discussion, several of the Board members expressed concern about this being a severe encroachment and the fact that the dumpster would be backed up to adjoining residential property causing problems for that property owner.

Mr. Cross moved that the findings of fact as stated by staff in regard to BOA-06-27, 3410 Spring Garden Street, be incorporated into the record and the Enforcement Officer be upheld as to both variance requests on the side and the back setback and the requests for a variance be denied, seconded by Mr. Pinto. The commission voted 7-0-1 in favor of the motion. (Ayes: Holston, Buffington, Cross, Kee, Pinto, Schifftan. Nays: None. Abstained: Parmele)

(C) BOA-06-28: 3029 HIGH POINT ROAD JRE, LLC REQUEST A VARIANCE FOR A PROPOSED DUMPSTER WHICH WILL ENCROACH INTO AN INTERIOR SETBACK REQUIREMENT. VIOLATION: A PROPOSED DUMPSTER WILL ENCROACH 5 FEET INTO A 10 FOOT INTERIOR SETBACK. TABLE 30-4-6-5, PRESENT ZONING-HB, BS-43, CROSS STREET-WEST MEADOWVIEW ROAD. (GRANTED)

Chair Holston stated that Ms. Buffington and Mr. Cross would be recused in this matter by unanimous vote of the Board. Mr. Schifftan would be active in this matter.

Mr. Ruska stated that JRE, LLC is the owner of the property located at 3029 High Point Road. The property is located at the southwestern intersection of High Point Road and West Meadowview Road on zoning map block sheet 43. The applicant is requesting a variance for a proposed dumpster which will encroach 5 feet into a 10-foot interior setback. The lot is zoned HB. There is an existing Biscuitville Restaurant on the property. The applicant is proposing to demolish the existing building and rebuild a new Biscuitville Restaurant. The new construction will include changing the elevation and lowering the grade of the lot. The proposed dumpster location will be approximately 5 feet from the eastern lot line. The lot is a corner lot. There is a 20 foot cross access easement which is located in front of the proposed dumpster location. The dumpster cannot be placed in the cross access easement area. The adjacent property located to the west and south is zoned HB and the property located on the northern side of High Point Road is zoned HB.

Chair Holston asked if there was anyone present wishing to speak on this matter.

Marc Isaacson, attorney representing the applicant, was sworn in and presented materials for the Board members' review. He explained that this restaurant has been at this location for about 40 years. Biscuitville is beginning a national renovation project on their restaurants and wish to rebuild and update the restaurant. The surrounding area is being redeveloped as well. He explained the drawings and photos submitted in detail. The existing dumpsters are grandfathered in and are legally nonconforming. The rebuilding of the restaurant is what triggers the application

of the new ordinance as this building was built before the existing ordinance and the dumpsters were located before the ordinance requirements were in place. They took into consideration the safe movement of vehicles on this property.

Gene Musten, Borum Wade Engineers, was sworn in and stated that he was available to answer any questions the Board may have.

Maurice Jennings, the property owner, was sworn in and answered questions posed by the Board members in reference to the grease box located on the property.

Chair Holston asked if there was anyone present wishing to speak in opposition to this matter and no one came forward.

Mr. Pinto moved that the findings of fact as stated by staff in regard to BOA-06-28, 3029 High Point Road, be incorporated into the record and the Enforcement Officer be overruled and the request for a variance be granted based on the following: There are practical difficulties or unnecessary hardships that result from carrying out the strict letter of the ordinance. If the applicant complies with the provisions of the ordinance he can make no reasonable use of the property because this is a property which is in need of repair, when it was originally built there were no requirements for dumpster pads and the dumpsters could be put wherever they needed to be placed. With the renovation to the building they have to comply with the setback requirements which they currently do not because they were grandfathered in. This particular property is handicapped by the topography as there is a slope in various areas which makes placing the dumpsters and access to the dumpsters difficult. There is a 20 foot access easement which runs across the rear of the property which cannot be encumbered and which otherwise could have been used to place a dumpster pad and allowed access by the City to collect waste. The hardship of which the applicant complains results from the unique circumstances relating to the access easement and the fact that the dumpster pad and resulting fencing that is now required of it were not requirements when the original building was built. The hardship results from the application of the ordinance to the property for the reasons already stated and is not the result of the applicant's own actions. They have been operating the restaurant at this location for over 25 years and it is the renovation of the restaurant that causes the problem. The variance is in harmony with the general purpose and intent of the ordinance because it updates the restaurant and the owners have made every effort to place the dumpsters in an area where it does not violate the access easement where it allows easy access by City vehicles and is the least intrusive. The granting of the variance assures the public safety and welfare and does substantial justice for those same reasons, seconded by Mr. Parmele. The commission voted 6-0-2 in favor of the motion. (Ayes: Holston, Brewington, Kee, Pinto, Parmele. Schiffan. Nays: None. Abstained: Cross and Buffington.)

(D) BOA-06-29: 808 TWYCKENHAM DRIVE MARGARET ROWLETT AND DAVID GILBERT REQUEST A VARIANCE FROM THE MINIMUM SIDE SETBACK REQUIREMENT. VIOLATION: A PROPOSED ATTACHED ROOM ADDITION WILL ENCROACH 2.2 FEET INTO A 5-FOOT SIDE SETBACK. TABLE 30-4-6-1, PRESENT ZONING-RS-7, BS-9, CROSS STREET- SEMINOLE DRIVE. (GRANTED)

Mr. Ruska stated that Margaret Rowlett and David Gilbert are the owners of the property located at 808 Twyckenham Drive. The lot is located on the eastern side of Twyckenham Drive south of Seminole Drive on zoning map block sheet 9. This parcel is zoned RS-7. The survey shows the property contains a house and a detached garage. The applicant is requesting that a proposed family room addition be allowed to encroach 2.2 feet into a required 5-foot side setback. The lot is rectangular shaped. The existing house is centered on the portion of the lot that is labeled Lot 12. The adjacent lot, which is labeled Lot 13, is also owned by the applicant. The adjacent properties are also zoned RS-7.

Chair Holston asked if there was anyone present wishing to speak on this matter.

Seth Cohen, attorney representing the applicant, was sworn in and stated that this request involves an older home that was built in 1931 in the Lake Daniel neighborhood and there have been multiple additions to other homes in this neighborhood. The property owners have added to their family and now need the extra space. They hope to expand the family room and the kitchen area. A drawing was submitted to the Board for their review. There is only one neighbor affected and that neighbor has no objection to the proposed addition. The placement of the proposed addition is the only practical location for it.

Chair Holston asked if there was anyone present wishing to speak in opposition to this matter and no one came forward.

Mr. Pinto moved that the findings of fact as stated by staff in regard to BOA-06-29, 808 Twyckenham Drive, be incorporated into the record and the Enforcement Officer be overruled and the request for a variance be granted based on the following: There are practical difficulties or unnecessary hardships that result from carrying out the strict letter of the ordinance because if the applicant complies with the provisions of the ordinance they can make no reasonable use of their property because the properties in this area were built before side setback requirements were in place. The other properties around this property have been updated and modernized and it is appropriate to make those additions; that a reasonable addition to this home and the size of this home includes a family room which can be designed 26.6 feet long and it would be unreasonable to require that family room to be slightly over 9 feet wide when 12 feet seems to be more in keeping with the house and the addition. The hardship of which the applicant complains results from unique circumstances relating to the fact that the home was built on the property close to one of the property lines and that the addition needs to be off of the kitchen and breakfast nook area to make sense and so it needs to be off of the side of the house closest to the property line. The request is only for 2.2 feet into the 5 foot side setback requirement. The hardship is not the result of the applicant's own actions as the applicant did not build the house. The adjoining property owner located on the side of the property where the addition is planned has indicated no objection to the proposed addition. The variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit as it does not create a situation where homes would be so close to each other as to create hardships or hurt the value of properties. The property that is next to the planned addition is some 40 feet from the side property line. The granting of the variance assures the public safety and welfare and does substantial justice as there is still access for emergency vehicles, seconded by Mr. Parmele. The commission voted 6-1 in favor of the motion. (Ayes: Holston, Brewington, Buffington, Kee, Pinto, Parmele. Nays: Cross.)

(E) BOA-06-30: 199 COUNTRY CLUB DRIVE BILLY HUNT REQUESTS A VARIANCE FROM A CENTERLINE STREET SETBACK REQUIREMENT. VIOLATION: A PROPOSED SINGLE FAMILY DWELLING WILL ENCROACH 7 FEET INTO A 40-FOOT CENTERLINE SIDE SETBACK FROM WENTWORTH DRIVE. TABLE 30-4-6-1, PRESENT ZONING-RS-9, BS-28, CROSS STREET-WENTWORTH DRIVE. (CONTINUED)

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A lengthy discussion was held between staff, legal counsel and Board members relative to concerns about variances.

There being no further business before the Board the meeting was adjourned at 5:28 p.m.

Respectfully submitted,

Hugh Holston, Chair
Greensboro Board of Adjustment

HH/jd